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REMARKS

Applicant's oral election is hereby confirmed with the cancellation of Claim 29 hereinabove.

The Examiner has rejected Claims 1-7, 9-20 and 22-28 under 35 U.S.C. 103(a) as being unpatentable over "Q222193-Description of the Windows 2000 Windows File Protection Feature" (WFP) in view of Rickey et al. (U.S. Patent Application Publication No. 2002/0166059). Applicant respectfully disagrees with such rejection, especially in view of the amendments made hereinabove to each of the independent claims.

With respect to independent Claims 1, 14 and 27, the Examiner has relied on pages 1-2 in WFP to make a prior art showing of applicant's claimed technique "wherein the factors are altered based on the monitoring of the requests." Applicant respectfully asserts that such excerpt only teaches that the "Windows File Protection feature is implemented when it is notified that a file in a protected folder is modified" and that a "second protection mechanism [is]...the System File Checker tool [that] scans all protected files to ensure they are not modified." Clearly, simply determining if a file has already been modified, as taught in WFP, does not even suggest altering factors "based on the monitoring of the requests," as claimed by applicant (emphasis added). To emphasize, applicant claims altering factors based on a request, and not merely a modification, as in WFP. Thus, in this way the "writes to the files on the computer" may be prevented such that the modification is not made.

Applicant also respectfully asserts that WFP does not teach altering factors associated with the computer, as claimed by applicant. Instead, WFP only discloses restoring a file to a correct Microsoft version. To further clarify applicant's claim language, applicant has amended each of the foregoing claims to include the following:

"wherein the factors are altered based on the monitoring of the requests to write to the files on the computer."

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Applicant respectfully asserts that WFP completely fails to even suggest altering factors associated with a computer “based on the monitoring of the requests to write to the files on the computer,” as presently claimed by applicant, for substantially the reasons argued above.

With respect to independent Claim 28, applicant has amended such claim to include the following claim language:

“wherein the at least one of critical files and critical file locations are looked up based on requests to write to the at least one of critical files and critical file locations on the computer.”

Applicant respectfully asserts that such claim language is also not met by the references relied on by the Examiner in view of the arguments made above with respect to the remaining independent claims.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant’s disclosure. *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991).

Applicant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art references, when combined, fail to teach or suggest all of the claim limitations, as noted above. Nevertheless, despite such paramount deficiencies and in the spirit of expediting the prosecution of the present

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application, applicant has substantially incorporated the subject matter of Claim 11 et al. into independent Claims 1, 14 and 27.

With respect to the subject matter of Claim 11 et al., as presently incorporated into independent Claims 1, 14 and 27, the Examiner has relied on pages 2-3 in WFP to make a prior art showing of applicant's claimed technique "wherein the factors are updated based on the requests." First, applicant respectfully asserts that WFP only teaches responding to modifications of files, and not to requests, as claimed by applicant. Second, WFP fails to even mention any sort of updating, and especially not updating factors, but instead only discloses repairing incorrect file versions.

Again, applicant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art references, when combined, fail to teach or suggest all of the claim limitations, especially in view of the amendments made hereinabove.

Applicant further notes that the prior art is also deficient with respect to the dependent claims. Just by way of example, with respect to Claim 3 et al., the Examiner has relied on page 2 in WFP to make a prior art showing of applicant's claimed technique "wherein the factors are user configurable." Applicant respectfully asserts that the only mention of users in the excerpt from WFP only discloses that an "administrator [has] the ability to scan all protected files to verify their versions" and that an "administrator [is prompted] to insert the appropriate media to replace the file." Clearly, neither teaching even suggests user configurable factors, in the manner claimed by applicant.

With respect to Claim 8 et al., as rejected under 35 U.S.C. 103(a) as being unpatentable over WFP in view of Rickey, in further view of Stevens (U.S. Patent Application Publication No. 2002/0133702), the Examiner has relied on paragraph [0019] in Stevens to make a prior art showing of applicant's claimed technique "wherein the factors include trusted applications that initiate the requests." Applicant respectfully asserts that Rickey only teaches determining "that a trusted application is attempting

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access and then...grant[ing] the requested access.” Clearly, such teaching does not even suggest that the trusted applications that initiate the requests “are altered based on the monitoring of the requests” when read in the context of the independent claims (emphasis added). Applicant respectfully asserts that the prior art combination proposed by the Examiner completely fails to teach any sort of altering, and especially not in the manner claimed by applicant.

With respect to Claims 9 and 10 et al., the Examiner has again relied on pages 2-3 in WFP to make a prior art showing of applicant’s claimed techniques “wherein the factors are updated based on a user request” (Claim 9 et al.) and “wherein the factors are updated from a remote location via a network” (Claim 10 et al.). Applicant respectfully asserts that WFP only teaches responding to modifications of files, and not to requests, as claimed by applicant (Claim 9 et. al.). In addition, WFP fails to even mention any sort of updating, and especially not updating factors, as claimed by applicant (Claims 9 and 10 et al.), but instead only discloses repairing incorrect file versions.

Since at least the third element of the *prima facie* case of obviousness has not been met, a notice of allowance or a proper prior art showing of all of the claim limitations, in the context of the remaining elements, is respectfully requested.

Still yet, applicant brings to the Examiner’s attention the subject matter of new Claims 30-31 below, which are added for full consideration:

“wherein the factors include a list of critical files such that the list of critical files is updated based on the requests” (see Claim 30); and

“wherein if one of the requests is initiated by an application that is not one of the trusted applications, a user is alerted and allowed to at least one of prevent and permit the request initiated by the application” (see Claim 31).

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Thus, all of the independent claims are deemed allowable. Moreover, the remaining dependent claims are further deemed allowable, in view of their dependence on such independent claims.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1351 (Order No. NAI1P055/01.228.01).

Respectfully submitted,
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